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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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APR 2 1997

Federal Communications Commission  
Office of Secretary

In The Matter Of

Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations  
Calhan, Colorado

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MM Docket No. 97-35  
RM-8900

TO: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

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**REPLY COMMENTS OF BUDDY TUCKER ASSOCIATION**

Buddy Tucker Association ("BTA"), by and through its undersigned counsel and pursuant to section 1.420 of the Commission's Rules and Regulations, 47 C.F.R. § 1.420 (1996), hereby submits these reply comments in connection with the Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding proposing a change in the FM table of allotments to add channel 280A to Calhan, Colorado as its first aural transmission service. BTA submitted Comments in this proceeding which were received by the Commission on March 7, 1997. In support of its Reply Comments, BTA shows and states as follows.

1. The Comments and Counterproposal of Pueblo Broadcasters, Inc. ("Pueblo Comments") propose changing the existing allocation of KYZM(FM), Pueblo, Colorado, from a class C3 facility on channel 283 to a class C1 facility on the same channel and changing the station's community of license from Pueblo to Pueblo West, Colorado. In addition, Pueblo's Comments suggest the substitution

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of channel 280 for 283, Canon City, Colorado, and the addition of channel 284AA to Calhan, Colorado, with a site restriction of 3.0 km south-southeast of town. Pueblo Comments, p. 6. As more fully described below, Pueblo's Comments propose allocating an inferior channel and an inferior facility to Calhan, a facility which will likely be ruinously more expensive to construct and which will limit the station's coverage to the least dynamic and slowest growing portion of the allocation's proposed service area. Pueblo's proposal will limit the allocation's coverage of the fastest growing areas surrounding Culhan.

2. Pueblo's Comments would require that the station's antenna site be located to the south and east of Calhan, an area which is absolutely flat. Not only is the land flat and not attractive for the location of a tower, the south and east of the Calhan community are not the areas in which the community's future growth is projected is growing. Almost all projected growth for the area will take place community is to the north of Calhan. More people are now located North of Calhan, and further growth is anticipated in this area. Limiting the station's site location o the souyh would compromise the economic viability of the proposed allocation by limiting the station's coverage to the slowest growing area with the least population. Moreover, the area in which Pueblo would locate the antenna site for its counterproposal is absolutely flat. Clearly flat land is less desireable for a broadcast tower, since flat land requires the station permittee to build a taller tower to provide adequate coverage. Obviously, the flatness of the land to which Pueblo's proposal exiles the Calhan

allocation vastly increases the value of the land on which the station would be built, and increases, perhaps exponentially, the cost of the proposed facility.

3. The area to the north and northwest of Calhan, where the NPRM would limit a Calhan site, is much more desirable because it is much more mountainous. The area north and east of Calhan is higher and more mountainous, and much more suitable for the location of a tower, than the area to which Pueblo's counterproposal would limit a Calhan transmitter site.

4. Pueblo claims that the assignment of channel 284 to Calhan is superior because of the supposed benefits of providing local transmission service to Pueblo West. In fact, however, Pueblo's counterproposal limits the potential population coverage of the Calhan allotment, and condemns the Calhan authorization holder to construct an expensive tall tower which will be of no economic value in the sparsely populated area south of Calhan. The additional economic burden created by the necessity of having to construct a tall tower to permit adequate service will surely compromise the ability of a Calhan station to be economically viable.

5. In fact, the lack of population which would be served from the site suggested in Pueblo's Comments, the fact that the station's coverage area would be limited to the slower growing areas in the south, and the necessity for constructing a tall tower to provide service to the community has convinced BTA that it would be economically ruinous to apply for a facility as limited as suggested in Pueblo's Comments. Accordingly, Buddy Tucker

Association would not apply for channel 284A were it allocated to Calhan, in lieu of channel 280A as proposed in the Notice of Proposed Rulemaking.

6. Finally, Pueblo claims that the public interest is served by the assignment of an inferior channel with inferior coverage to Calhan, purportedly to permit the Commission to inaugurate first local transmission service to Pueblo West on channel 283. The claimed public interest benefits touted by Pueblo are illusory, to say the least. Pueblo West is a small community in a larger metropolitan area that is already well served by a number of standard and FM broadcast stations.<sup>1</sup> Calhan, on the other hand, is located in a county with no radio station licensed to any community in the county. Moreover, as a small community in a larger metropolitan area, Pueblo West is not entitled to a preference over Calhan on 307(b) grounds. Calhan not only does not now have any local transmission service, there is no radio station licensed to any community in the county. Pueblo West, on the other hand, is located in a metropolitan area with an abundance of radio service.

7. Calhan and the surrounding area need and deserve an FM allotment that will provide the first local transmission service to a wide area, but also deserve a broadcast service that is allotted with a minimal chance of being constructed and succeeding in becoming self-sufficient.

**WHEREFORE**, the foregoing considered, Buddy Tucker Association

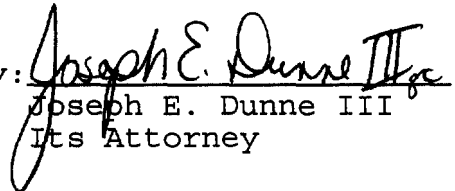
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<sup>1</sup>. The Broadcasting and Cable Yearbook 1996 at page B-70 lists no less than 16 AM and FM stations as licensed to Pueblo or surrounding communities.

respectfully urges the Commission to assign channel 280A to Calhan, Colorado, as proposed in the Notice of Proposed Rulemaking in the above-captioned docket.

Respectfully Submitted,

**BUDDY TUCKER ASSOCIATION**

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**CERTIFICATE OF SERVICE**

I, Shelly Latham, a paralegal in the law offices of Joseph E. Dunne III, hereby certify that I caused the attached "REPLY COMMENTS OF BUDDY TUCKER ASSOCIATION" to be sent by first-class U.S. Mail, postage prepaid, to the following:

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By Shelly Latham  
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